

JUDGE BAER

07 CV 10964

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

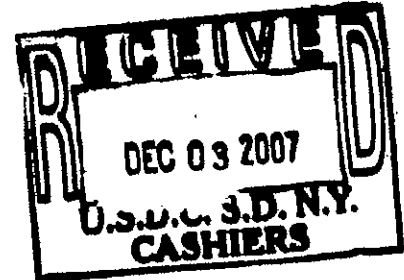
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ROBIN HIGHTOWER,

Plaintiff, **NOTICE OF REMOVAL**

- against -

Case No. 07 Civ. _____

THE CITY OF NEW YORK; RAYMOND KELLY, as Police Commissioner; NELDRA ZEIGLER, as Deputy Commissioner, Office of Equal Employment Opportunity; TIMOTHY BUGGE, as Captain, Commanding Officer, 42nd Precinct; MICHAEL DeBELLIS, as Captain, Former Commanding Officer, 42nd Precinct; and WILLIAM GATO, as Lieutenant, Former Operations Coordinator, 42nd Precinct, each being sued individually and in their official capacities as employees of defendant CITY OF NEW YORK.



Defendants.

----- X
**TO: THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

Defendants City of New York ("NYC"), Raymond Kelly ("Kelly"), Neldra Zeigler ("Zeigler"), by and through their attorney, Michael A. Cardozo, Corporation Counsel of the City of New York, respectfully show this Court as follows:

1. On or about November 7, 2007, defendants NYC, Kelly and Zeigler received the Summons with Notice in the above-entitled action, pending in the Supreme Court of the State of New York, County of Bronx, Index No. 302139-07, naming the City of New York; Raymond Kelly; Neldra Zeigler; Timothy Bugge; Michael DeBellis; and William Gato, as defendants therein, and setting forth the claims for relief upon which the action is based. A copy of the Summons with Notice is annexed hereto as Exhibit "A."

2. The above-captioned action is a civil action of which the District Court has original jurisdiction pursuant to 28 U.S.C. § 1331, in that it alleges a claim which arises

under the laws of the United States, and a violation of plaintiff's federal civil rights by defendants. This action is therefore removable to the District Court without regard to the citizenship or residence of the parties, pursuant to 28 U.S.C. §§ 1441(b) and 1443.

3. Plaintiff brings this lawsuit alleging, inter alia, violations of the Civil Rights Act of 1866, 42 U.S.C. §1981, and the Civil Rights Act of 1871, 42 U.S. C. §1983. See, Summons with Notice, annexed heretô as Exhibit "A."

4. City Defendants are unaware of any previous application for the relief requested herein.

5. Defendant Michael DeBellis consents to removal of the above-captioned action.

6. Defendant Philip Gatto (incorrectly identified as William Gato in the caption) consents to removal of the above-captioned action.

7. Upon information and belief, defendant Timothy Bugge has not been served with the Summons with Notice in this action.

WHEREFORE, NYC, Kelly, and Zeigler respectfully request that the above-captioned action be removed from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York.

Dated: New York, New York
December 3, 2007

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By: 

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF THE BRONX

ROBIN HIGHTOWER

Plaintiff,

- against -

U.S. SUMMONS WITH NOTICE

Index No.: 302139-07

THE CITY OF NEW YORK; RAYMOND W. KELLY, as
Police Commissioner; NELDRA M. ZEIGLER, as Deputy
Commissioner, Office of Equal Employment Opportunity;
TIMOTHY BUGGE, as Captain, Commanding Officer, 42nd
Precinct; MICHAEL DeBELLIS, as Captain, Former
Commanding Officer, 42nd Precinct; and WILLIAM GATO,
as Lieutenant, Former Operations Coordinator, 42nd
Precinct, each being sued individually and in their official
capacities as employees of defendant CITY OF NEW YORK.

Defendants.
-----;

To the above-named defendants:

You are hereby summonsed and required to serve upon plaintiff's attorney, at his address
stated below, a notice of appearance or demand for a complaint.

If this summons was personally served upon you in the State of New York, the answer
must be served within twenty days after such service of the summons, excluding the date of
service. If the summons was not personally delivered to you within the State of New York the
answer must be served within thirty days after service of the summons is complete as provided
by law.

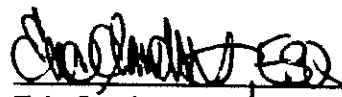
The nature of this action is to recover money damages for violating the Civil Rights Act
of 1866, 42 U.S.C. § 1981, Sexual Harassment, Racial Discrimination, Hostile Work
Environment, and Retaliation; the Civil Rights Act of 1871, 42 U.S.C. § 1983, Sexual
Harassment, Racial Discrimination, Hostile Work Environment, and Retaliation; the Civil Rights
Act of 1871, 42 U.S.C. § 1983, Abuse of Authority; the Civil Rights Act of 1871, 42 U.S.C. §

1983, Intentional Interference with Plaintiff's Right of Access to the Court; New York State Executive Law Section 296, Sexual Harassment, Racial Discrimination, Hostile Work Environment, and Retaliation; New York City Administrative Code Section 8-502, Sexual Harassment, Racial Discrimination, Hostile Work Environment, and Retaliation; Negligent Infliction of Emotional Distress, Defamation, and the Intentional Infliction of Emotional Distress. The relief sought is \$250 Million Dollars in damages.

If you do not serve a notice of appearance or demand for a complaint within the applicable time limitation stated above, a judgment may be entered against you, by default, for the sum of Two Hundred and Fifty Million Dollars with interest from November 17, 2007, along with costs and disbursements.

The action will be heard in the Supreme Court of the State of New York, in the County of the Bronx. This action is brought in the County of the Bronx because the plaintiff resides in the Bronx and the subject matter of this action primarily occurred within the Forty-Second (42nd) Police Precinct 830 Washington Avenue, Bronx, N.Y. 10456.

Dated: October 22, 2007
Lake Success, N.Y.



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